

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Cleone Cecelia Friday,

Case No. 23-cv-2870 (KMM/DTS)

Plaintiff,

v.

ORDER

Colette Peters, et al.,

Defendants.

This matter comes before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge David T. Schultz dated November 30, 2023. [R&R, ECF No. 7]. In the R&R, Judge Schultz recommended that this action be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute. Cleone Cecelia Friday, a federal inmate at the Federal Correctional Institution in Waseca, Minnesota (“FCI-Waseca”), failed to submit an initial partial filing fee of \$64.70 that was required to continue the matter. [Order, ECF No. 6]. To date, no objections have been made to the R&R by Ms. Friday, and the deadline for filing such objections has long since passed. Indeed, Ms. Friday has not submitted anything since early October, when she submitted some documents in support of her original Complaint. [ECF No. 5].

The Court reviews *de novo* any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b), and *Grinder v. Gammon*, 73 F.3d 793, 795

(8th Cir. 1996) (per curiam)). Based on the Court's careful review of the R&R and the record in this case, this Court adopts the R&R in its entirety. The Magistrate Judge committed no error, clear or otherwise.

IT IS HEREBY ORDERED that:

1. Magistrate Judge David T. Schultz's November 30, 2023, Report and Recommendation [ECF. No. 7] is **ADOPTED**;
2. Plaintiff Cleone Cecelia Friday's action is **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute; and
3. Plaintiff Cleone Cecelia Friday's Application to Proceed in District Court Without Prepaying Fees or Costs, [ECF No. 2], be **DENIED** as moot.

Let Judgment be entered accordingly.

Date: March 11, 2024

s/Katherine Menendez

Katherine Menendez

United States District Court